IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.960 OF 2004

Laxman Devadiga ... Appellant

V/s.

The Municipal Corporation
of Greater Bombay ... Respondent

Mr.V.R. Tripathi for Appellant
Mr.J. Xavier or Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 22, 2004**

P.C.:

. There is a dispute as to whether the structure was still in existence when the order of 5.11.2004 was passed. By the order of 5.11.2004, this Court had not granted any ad-interim relief as the suit structure had already been demolished. This fact was recorded by the trial Court. A similar statement was made by the advocate for the Respondent-Corporation before me. By this order, this Court had already directed that in view of the order in **Civil Appeal Nos.4156-4157 of 2002** *(Maharashtra Ekta Hawkers Union & Anr. v/s. Municipal Corporation of Greater Mumbai & Ors)* pending before the Apex Court, any clarifications in respect of hawking zones and unauthorised or licensed hawkers were to be sought from the Apex Court. Today, the learned advocate

for the appellant states that the structure was demolished on 9.11.2004 for the first time. This statement has been disputed by Mr.Xavier appearing for the Respondents. He submits that action reports indicate that the structure was demolished on three previous occasions. A suit was also filed earlier by the Appellant challenging the action of the Mumbai Municipal Corporation.

2. There is no dispute that in fact the structure is not in existence today. Therefore, there is no question of granting any interim relief. However, the trial Court may proceed and dispose off the suit as expeditiously as possible.

3. Appeal from Order is disposed of accordingly.

4. In view of the Appeal from Order being disposed of, nothing survives in Civil Application No.1327 of 2004 and the same is disposed of accordingly.